

## EXTENSION OF THE VETERANS' PREFERENCE ACT

JUNE 27, 1952.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JARMAN, from the Committee on Post Office and Civil Service, submitted the following

### REPORT

[To accompany H. R. 7721]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 7721) to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States after the termination of the state of war between the United States and the Government of Japan and prior to July 2, 1955, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### STATEMENT

It is the purpose of this legislation to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States after April 28, 1952 (the date of the signing of the Treaty terminating the state of war between the United States and the Government of Japan) and prior to July 2, 1955, the date on which inductions under the Universal Military Training Act are terminated.

Under the present Veterans' Preference Act, veterans' preference for civil-service purposes has been granted, among others, to those ex-service men and women who have served on active duty in any branch of the Armed Forces of the United States during any war or during any campaign or expedition for which a campaign badge has been authorized.

While hostilities during World War II ceased with VJ-day, a technical state of war existed until April 28, 1952. As a result, persons who entered the Armed Forces during actual hostilities and until April 28, 1952, were entitled to the benefits accorded to veterans under the Veterans' Preference Act of 1944.

However, with the signing of the peace treaty with the Government of Japan, only those servicemen actually in Korea, for which military operation a campaign badge is authorized, have veterans' preference for civil-service purposes.

The men presently being inducted into the armed services are, of course, faced with many of the same situations as those who were inducted prior to April 28, 1952. They must involuntarily submit to a disruption in their professional careers or occupations, manner and place of living, and undergo rigorous training.

Hearings were held by the committee at which representatives of the Civil Service Commission and the various veterans organizations and employee organizations appeared. They were unanimously in favor of the bill.

The Bureau of the Budget approved the bill but suggested an amendment which would exclude training for periods of reserve training. It was conclusively shown that such an amendment was not necessary and if adopted, might place in question decisions during the past years made by the Civil Service Commission holding that reserve training was not active duty for the purposes of the Veterans' Preference Act.

The reports of the Civil Service Commission and the Bureau of the Budget are as follows:

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington 25, D. C., June 12, 1952.

Hon. TOM MURRAY,

*Chairman, Committee on Post Office and Civil Service,  
House of Representatives, 213 Old House Office Building.*

DEAR MR. MURRAY: Further reference is made to your letter of May 7, 1952, requesting a report on H. R. 7721, a bill to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States after the termination of the state of war between the United States and the Government of Japan and prior to July 2, 1955.

H. R. 7721 would amend the Veterans' Preference Act of 1944, as amended, to extend the benefits of that act to persons who served in any branch of the Armed Forces of the United States during the period beginning April 28, 1952, and ending July 1, 1955 (the period after the termination of the state of war between the United States and the Government of Japan during which persons may be inducted under existing law for training and service in the Armed Forces). The bill provides the necessary amendments to the Veterans' Preference Act of 1944, as amended, in order to carry out its purposes.

The Commission would have no objection to the enactment of H. R. 7721.

In accordance with established procedure, the Commission has been informed by the Bureau of the Budget that it has no objection to the submission of this report to your committee.

By direction of the Commission.

Very sincerely,

ROBERT RAMSPECK, *Chairman.*

EXECUTIVE OFFICE OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington 25, D. C., June 12, 1952.

Hon. TOM MURRAY,

*Chairman, Committee on Post Office and Civil Service,  
House of Representatives, Washington 25, D. C.*

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of May 7, 1952, inviting the Bureau of the Budget to comment on H. R. 7721, a bill to extend the benefits of the Veterans' Preference Act of 1944 to persons serving in the Armed Forces of the United States after the termination of the state of war between the United States and the Government of Japan and prior to July 2, 1955.

By extending veterans' preference to all who served on active duty during the period specified, this bill might be interpreted as granting preference to the many

reservists whose sole active duty might be the 2 weeks' active duty training ordinarily granted reservists who request it. The granting of preference on the basis of such duty does not appear equitable or desirable. To eliminate that possibility, it is suggested that there be inserted after the word "duty" in section 1 (a) of the bill "other than active duty for Reserve training."

With the amendment suggested above, the Bureau of the Budget would have no objection to the enactment of H. R. 7721.

Sincerely yours,

F. J. LAWTON, *Director.*

#### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows: (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### SECTIONS 2 AND 3 OF THE VETERANS' PREFERENCE ACT OF 1944, AS AMENDED

SEC. 2. In certification for appointment, in appointment, in reinstatement, in reemployment, and in retention in civilian positions in all establishments, agencies, bureaus, administrations, projects, and departments of the Government, permanent or temporary, and in either (a) the classified civil service; (b) the unclassified civil service; (c) any temporary or emergency establishment, agency, bureau, administration, project, and department created by acts of Congress or Presidential Executive order; and (d) the civil service of the District of Columbia, preference shall be given to (1) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States and have been separated therefrom under honorable conditions and who have established the present existence of a service-connected disability or who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Veterans' Administration, the War Department or the Navy Department; (2) the wives of such service-connected disabled ex-servicemen as have themselves been unable to qualify for any civil-service appointment; (3) the unmarried widows of deceased ex-servicemen who served on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), *or during the period specified in clause (6) of this section*, and who were separated therefrom under honorable conditions; and (4) those ex-servicemen and women who have served on active duty in any branch of the armed forces of the United States, during any war, or in any campaign or expedition (for which a campaign badge has been authorized), and have been separated therefrom under honorable conditions; (5) mothers of deceased ex-servicemen or ex-servicewomen who lost their lives under honorable conditions while on active duty in any branch of the armed forces of the United States during any war, or in any campaign or expedition (for which a campaign badge has been authorized), *or during the period specified in clause (6) of this section*, or of service-connected permanently and totally disabled ex-servicemen or ex-servicewomen who were separated from such armed forces under honorable conditions if—

(A) the father is totally and permanently disabled, or

(B) the mother was widowed, divorced, or separated from the father and—

(1) has not remarried, or

(2) has remarried but (i) her husband is totally and permanently disabled or (ii) she is divorced or legally separated from her husband or such husband is dead at the time preference is claimed; and

(6) *those ex-service men and women who have served on active duty in any branch of the Armed Forces of the United States during the period beginning April 28, 1952, and ending July 1, 1955 (the period after the termination of the state of war between the United States and the Government of Japan during which persons may be inducted under existing law for training and service in the Armed Forces), and have been separated from such Armed Forces under honorable conditions.*

SEC. 3. In all examinations to determine the qualifications of applicants for entrance into the service ten points shall be added to the earned ratings of those persons included under section 2 (1), (2), (3), and (5), and five points shall be

added to the earned ratings of those persons included under section 2 (4) and (6) of this act: *Provided*, That in examinations for the positions of guards, elevator operators, messengers, and custodians competition shall be restricted to persons entitled to preference under this act as long as persons entitled to preference are available and during the present war and for a period of five years following the termination of the present war as proclaimed by the President or by a concurrent resolution of the Congress for such other positions as may from time to time be determined by the President.

